UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE M/V MSC FLAMINIA

ORDER

12-cv-8892 (SAS)

SHIRA A. SCHEINDLIN, U.S.D.J.:

The instant motions – brought by claimants-crossclaim defendants Bulkhaul Ltd. and Bulkhaul (USA) Inc. (collectively, "Bulkhaul") and crossclaim defendants Chemtura Corporation, Chemtura Italy S.R.L., and Chemtura Europe GMBH (collectively, "Chemtura") – are styled as motions to dismiss but in fact ask the Court to reconsider the June 6, 2014 Order granting claimants leave to amend certain claims against Bulkhaul and Chemtura.

On October 18, 2013, the Court set certain deadlines in this case,[1] including that "[t]he deadline for asserting claims, cross-claims, and counter-claims shall be extended to October 28, 2013."[2] After that deadline had passed, on

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[1] At that time, this case was assigned to Judge Alison Nathan of this District. It was reassigned to this Court on February 19, 2015.

[2] Dkt. No. 286.

May 30, 2014, claimants represented by Duane Morris LLP and Hill Rivkins LLP (the "Duane Morris claimants" and "Hill Rivkins claimants," respectively) informed the Court that they sought to file additional claims against Bulkhaul and Chemtura.[3] On June 6, 2014, the Court issued an Order granting the Duane Morris and Hill Rivkins claimants leave to amend their claims by July 11, 2014.[4] Both sets of claimants amended their claims on or before the new deadline.[5]

A district court's decision to allow parties to amend their pleadings should not be disturbed absent an abuse of discretion[6] – which Bulkhaul and Chemtura have failed to demonstrate. Federal Rule of Civil Procedure 15(a)(2) provides that "[t]he court should freely give leave [to amend] when justice so requires." Similarly, Federal Rule of Civil Procedure 16(b)(4) allows scheduling orders to be modified "for good cause and with the judge's consent" – giving district courts discretion to adjust scheduling orders where doing so does not prejudice or cause hardship to the parties.[7] As such, the Court was well within its

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3 *See* Dkt. No. 511.

4 *See* Dkt. No. 516.

5 *See* Dkt. Nos. 520, 526.

6 *See Grochowski v. Phoenix Constr.*, 318 F.3d 80, 86 (2d Cir. 2008).

7 *See Kassner v. 2nd Avenue Delicatesssen Inc.*, 496 F.3d 229, 244 (2d Cir. 2007).

discretion in allowing the Duane Morris and Hill Rivkins amendments, particularly given that Bulkhaul and Chemtura faced little risk of prejudice because the amendments occurred while parties were still being added to the litigation and were identical to claims that had already been asserted against them. Further, the amendments promoted judicial efficiency by consolidating these claims into the pending action, rather than requiring them to be raised through a separate proceeding.

For the foregoing reasons, Bulkhaul and Chemtura's motions to dismiss are DENIED. In its motion, Bulkhaul also suggests that Hill Rivkins LLP may be conflicted from representing claimants in this matter. If Bulkhaul wishes to move to disqualify Hill Rivkins, it should make its motion promptly. The Clerk of the Court is directed to close these motions (Dkt. Nos. 543 and 545).

SO ORDERED:

Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
September 2, 2015

- Appearances -

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